

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ALLIED POWER SERVICES, LLC
Employer

and

Case 13-RC-252563

INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS, LOCAL UNIONS 145, 146, 176, 364 AND 601
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision on Challenged Ballots is denied as it raises no substantial issues warranting review.¹

JOHN F. RING, CHAIRMAN

WILLIAM J. EMANUEL, MEMBER

LAUREN McFERRAN, MEMBER

Dated, Washington, D.C., October 15, 2020.

¹ In denying review, we note that the Employer's Request for Review, which has been prepared by its counsel, argues that the Regional Director erred in overruling challenges without a hearing but does not raise any specific arguments concerning Gary Gruhn, Robert Meszaros, and Ryan Welden. As such, the Request for Review with respect to these individuals does not comply with Sec. 102.67(e) of the Board's Rules and Regulations, which requires that such a request be a self-contained document enabling the Board to rule on the issues on the basis of its contents.

In denying review of the Regional Director's finding that Kerry Durkin, Jack Erickson, Michael Janssen, and Luke Nohren are eligible to vote in the election, we note that the Employer does not argue that its evidence would establish changed circumstances since the Regional Director issued her Decision and Direction of Election finding that employees in the job classification applicable to Durkin, Erickson, Janssen, and Nohren were eligible to vote. See generally *Anheuser-Busch, LLC*, 365 NLRB No. 70 (2017) (employee found eligible to vote pre-election permitted to vote without challenge where employer did not demonstrate circumstances changed after issuance of Regional Director's Decision and Direction of Election). The Employer does not claim that the Regional Director precluded it from presenting evidence specific to these individuals in the pre-election hearing, and, contrary to the Employer's arguments, neither the Board's Rules and Regulations nor agency guidance precluded it from doing so. See 79 Fed. Reg. 74308, 74387 fn. 371 (Dec. 15, 2014) ("[T]he final rule grants discretion to the regional director to permit the litigation of individual eligibility issues [pre-election], and parties are free to make whatever arguments they wish as to why the director should do so.").